

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

V.

JOSHUA WESTBROOK,

Defendant.

Case No. 21-CR-10359-AK

ORDER ON EXCLUDABLE TIME

A. KELLEY, D.J.

The Court previously scheduled a status conference for September 20, 2022, which the parties moved to continue on September 19, 2022. [See Dkts. 53, 55]. The Court granted that motion the same day and rescheduled the status conference for October 25, 2022. [Dkt. 56]. The Court's last order on excludable time expires on September 20, 2022, the date of the originally scheduled status conference. [See Dkt. 54]. The government has filed an assented-to motion for an order of excludable delay from September 20, 2022, to October 25, 2022, to allow the parties additional time to discuss potential resolution of the case. [Dkt. 57 at 1].

With the consent of the defendant, this Court finds and concludes, pursuant to 18 U.S.C. § 3161(h)(7)(A) and Section 5(b)(7)(B) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (effective December 2008), that the parties require time for review of the evidence, preparation of motions, and consideration of alternatives concerning how best to proceed, including discussions regarding the possible resolution of this matter, such that the interests of justice outweigh the best interests of the public and the defendant for a trial within seventy days of the return of an indictment. See 18 U.S.C. § 3161(h)(7)(A) (allowing that “periods of delay shall be excluded . . . if the judge granted such

continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial”). The Court further finds that not granting this continuance would deny counsel for both the defendant and the government the “reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

The Clerk of Court is ordered to enter excludable time for the period of September 20, 2022, through October 25, 2022, that being the period between the expiration of the last order of excludable time and the date of the next status conference before this Court. Based on the orders of December 17, 2021, February 1, 2022, March 15, 2022, May 11, 2022, June 7, 2022, July 18, 2022, August 9, 2022, and this Order, as of the next status conference on October 25, 2022, there will be 0 days of non-excludable time and 70 days remaining under the Speedy Trial Act in which this case must be tried.

SO ORDERED.

Dated: September 20, 2022

/s/ Angel Kelley
Hon. Angel Kelley
United States District Judge